

Appln. No.: 10/055,120
Amdt. dated October 4, 2004
Reply to Office action of May 4, 2004

REMARKS

In the Office Action of May 4, 2004, claims 41-57 were rejected. With this Amendment, claims 41, 42, 47 and 50 are canceled and claims 43, 48, 51, 52, 55 and 56 are amended.

On page 2 of the Office Action, claim 51 was rejected under 35 U.S.C. 112, second paragraph, for a lack of antecedent basis for the limitation "the phase control signals." Claim 51 is amended herewith to refer to "a phase control signal" instead of "the phase control signals." Applicant submits that this amendment overcomes the 112 rejection.

On page 3 of the Office Action, claims 41, 42, 47 and 50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al., U.S. Patent 5,726,607, in view of Kyles, U.S. Patent 6,028,462. Although Applicant does not necessarily agree with this rejection, claims 41, 42, 47 and 50 are canceled herewith without prejudice to expedite prosecution of the remaining claims. Claims 43, 48, 51, 52, 55 and 56 are amended herewith to incorporate the limitations of their respective base claims and any intervening claims.

On page 3 of the Office Action, claims 41-57 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 175, 179 and 181-187 of copending Application No. 10/207,305. Since this is a provisional rejection, and since the allegedly conflicting claims have not in fact been patented, and further since all other outstanding rejections have been overcome, Applicant respectfully requests withdrawal of this provisional double patenting rejection.

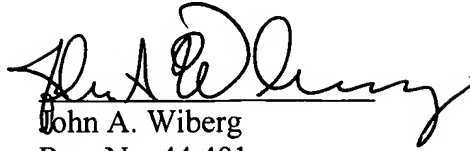
In view of the foregoing amendments and remarks, Applicant respectfully requests allowance of claims 43-46, 48, 49 and 51-57.

The Commissioner is hereby authorized to charge any fees required by this submission to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Wiberg', written over a horizontal line.

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